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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/057,886

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Shigeru Hidesawa

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EXAMINER

DALENCOURT, YVES

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/057,886

Applicant(s)

HIDESAWA, SHIGERU

Examiner

Yves Dalencourt

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-9, 11-22 and 24-36 is/are rejected.  
7) ☐ Claim(s) 10 and 23 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This office action is responsive to amendment filed on 07/10/2006.

#### ***Response to Amendment***

The Examiner has acknowledged Applicant's response.

#### ***Response to Arguments***

Applicant's arguments filed on 07/10/2006 have been fully considered but they are not persuasive.

Regarding Applicant's argument (page 12) that the price points in Friedland are prices as opposed to the point value in the present Application that serves to motivate a potential client to use non-chargeable tentative service for a period of time in order to become accustomed to the service and determine whether the service meets the client's requirements and expectations, and also to give the client an incentive to register for the regular service so as not to waste his acquired point value. First of all, such argument is moot because it is not claimed as being argued by the Applicant. The Examiner examined the claims, although they are being read in light of the specification. Applicant is kindly encouraged to add in the claims any limitations deemed patentable over the prior art. As broadly claimed, the Friedland's reference does read on the claimed language.

In fact, it appears that Applicants are interpreting the claims very narrow without considering the broad teaching of the reference used in the rejection.

Applicants are reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. The Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541, 550-51 (CCPA 1969).

In response to Applicant's argument that the mere fact that two systems involve the Internet or client servers does not make the systems analogous, it has been held that the determination that a reference is from an analogous art is two fold. First, we decide if the reference is within the field of the inventor's endeavor. If it is not, we proceed to whether the reference is reasonably pertinent to the particular problem with which the inventor was involved. In re Wood, 202 USPQ 171, 174. In this case, the two references provide services over the Internet, Sullivan provides customer support to consumers, which is a service and Friedland teaches a method for efficiently monitoring a live auction, distributing real-time information concerning the live auction to remote bidders which is also a service.

In view of such, the rejection is therefore sustained and maintained as follows, except for claims 10 and 23, which are now objected.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 9, 11 – 22, and 24 - 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al. (US 6,615,240; hereinafter Sullivan) in view of Friedland et al (US 6,449,601; hereinafter Friedland).

Sullivan teaches the invention substantially as claimed including a method for automated technical support in a computer network having a client machine, and at least one server from which help is available. (See abstract) As to claims 1, 7, 14, 20, 27 and 32 Sullivan teaches a client machine, a server machine, a client program, a server program, a service providing method and a service system comprising "the client" (Fig. 1, index 10) "a server (Fig. 1, index 12), "a communications line (Fig. 1, index 14), "providing a regular service (Fig. 4, index 60), "a tentative service utilization (Fig. 4, index 74); a regular service utilization procedure (Fig. 4). Sullivan fails to disclose a point value recitation. However, Friedland discloses a point value based on price of an item. (See col.2, lines 12-19.)

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claims 2, 15, 25, 29, 31, 33:

The client machine, client program, service system according to claims 1, 14, 20, 32, wherein said point value display section displays a point value sequentially increasing as time passes by when said tentative service utilization section is utilizing said tentative service.

Sullivan fails to disclose a point value recitation. However, Friedland discloses a point value sequentially increasing as time passes by at col. 2, lines 32-35; lines 59-63; col. 3, lines 32-37 and col. 7, lines 4-20.

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client. Claims 3, 13, 16, 26, 31, 34:

The client machine, client program, service system according to claims 1, 7, 14, 20, 32, wherein said point value display section displays a point value sequentially decreasing as time passes by when said tentative service utilization section is utilizing said tentative service. Sullivan fails to disclose a point value recitation. However, Friedland discloses a point value sequentially decreasing as time passes by at col. 2, lines 8-11; See also col. 5, lines 16-40. (As lots are sold, the number of available lots decreases sequentially)

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client. Claims 4, 11, 12, 17, 24, 35:

The client machine, client program, service system according to claims 1, 7, 14, 32, further comprising a point value updating section for sequentially updating a point value displayed at said point value display section when said tentative service utilization section is utilizing said tentative service.

Sullivan fails to disclose a point value recitation. However, Friedland discloses a point value sequentially decreasing as time passes by at col. 8, lines 28-40.

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claims 5, 18:

The client machine, client program, service system according to claims 1, 14 wherein said point value display section is adapted to receive and display a sequentially

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updated point value transmitted from said server machine when said tentative service utilization section is utilizing said tentative service.

Sullivan fails to disclose a point value recitation. However, Friedland discloses a point value sequentially increasing as time passes by at col. 8, lines 28-40.

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claims 6, 19:

The client machine, client program, service system according to claims 1, 14, comprising a regular service utilization section for continuing utilization of a regular service provided by said server machine after procedure steps are taken at said regular service utilization procedure section.

Sullivan fails to disclose a regular service utilization section. However, Friedland discloses such section at col. 8, lines 51-67.

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the

point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claims 8, 21:

The client machine, client program, service system according to claims 7, 20, wherein said regular service providing section is adapted to continuously provide the regular service to the client machine whose procedure was accepted by said regular, service utilization procedure accepting section.

Sullivan fails to disclose a service utilization procedure section. However, Friedland discloses such section at col. 9, lines 1-21.

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claims 9, 22:

The client machine, client program, service system according to claims 7, 20 wherein said regular service providing section is adapted to continuously provide the regular service to the client machine whose procedure was accepted by said regular service utilization procedure accepting section and give a point value for providing an additive service corresponding to an utilization situation of the regular service and also give as an initial value the point value that corresponds to the tentative service provided

by said tentative service providing section for a time lapse up to a moment when the procedure made by the client machine was accepted by said regular service utilization procedure accepting section.

Sullivan fails to disclose the recitations of above claims. However, Friedland discloses such recitations at col. 8, lines 10-50.

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claim 28:

The service providing method according to claim 27, wherein information about said tentative service utilization time lapse is displayed at said user machine.

Sullivan fails to disclose the recitation of above claim. However, Friedland discloses such recitation at col. 14, lines 18-22. ("last chance")

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claim 36:

The client machine according to claim 1, wherein said tentative service is a non-chargeable tentative service and said regular service is a chargeable regular service. Sullivan fails to disclose the recitation of above claim. However, Friedland discloses such recitation at col. 11, line 60-line 12, line 4. ("sign-up' is non-chargeable tentative service and "approved" is a chargeable regular service).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the registration transaction disclosed by Friedland because such system would provide for the registration of customers and eventual access to the service provided.

***Allowable Subject Matter***

Claims 10 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Contact Information**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6: 00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/24/2006

  
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